

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUIS EVANSON,

Plaintiff,

-against-

METRO-NORTH COMMUTER RAILROAD,

Defendant.

**JUDGE KARAS
08 CIV. 7097**

08 Civ. () WP

ECF CASE

COMPLAINT

PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, Cahill, Goetsch & Maurer, P.C., complains of the Defendant and alleges:

FIRST: This action is brought under the Federal Employers' Liability Act (45 U.S.C. Sec. 51 et seq.).

SECOND: The Defendant is a corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.

THIRD: That prior to September 1, 2005, and at all times hereinafter mentioned, the Defendant employed the Plaintiff as an Electrician at its Harmon Maintenance Facility in Croton on Hudson, New York under its direction, supervision and control and in furtherance of Defendant's business in interstate commerce.

FOURTH: That prior to September 1, 2005, and at all times hereinafter mentioned, the Defendant maintained, operated and controlled a line of railroad trackage known as the Hudson Division Line, which contained Defendant's Harmon maintenance facilities, yards, shops,

tracks, rails, switches, signals, sidings, roadbeds and appurtenances thereto, over, through and upon which the Defendant operated engines, trains and cars under its control and direction.

FIFTH: That on or about September 1, 2005, while the Plaintiff, an employee of the Defendant, was performing his assigned duties as an Electrician at defendant's Harmon Maintenance Facility in Croton on Hudson, New York on the aforesaid Hudson Division Line, defendant, its agents, servants and employees, negligently and carelessly conducted themselves toward the Plaintiff in failing to provide Plaintiff with a reasonably safe place to work; in failing to provide proper supervision; in failing to provide necessary equipment and manpower; and, in failing and neglecting to enact and enforce safety, operating and maintenance rules, regulations, procedures, and practices for activities carried out by its personnel at the said place which would have prevented plaintiff's injury, and that all of the foregoing brought about severe and disabling injuries to the Plaintiff.

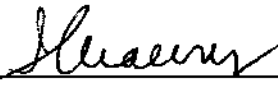
SIXTH: That the said injuries occurred while the Plaintiff was acting in the furtherance of interstate commerce or in work closely or substantially affecting the same.

SEVENTH: That the Plaintiff was damaged thereby in the sum of ONE MILLION (\$1,000,000.00) DOLLARS.

WHEREFORE, Plaintiff demands judgment against the Defendant in the sum of ONE MILLION (\$1,000,000.00) DOLLARS, together with the costs and disbursements of this action.

Dated: White Plains, New York
August 1, 2008

CAHILL, GOETSCH & MAURER, P.C.
Attorneys for Plaintiff

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